

Sep 22, 2017

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

GABRIEL HERNANDEZ JR.,

Plaintiff,

v.

COMMISSIONER OF SOCIAL  
SECURITY,

Defendant.

No. 1:17-CV-3011-JTR

ORDER GRANTING STIPULATED  
MOTION FOR REMAND  
PURSUANT TO SENTENCE FOUR  
OF 42 U.S.C. § 405(g)

**BEFORE THE COURT** is the parties' stipulated motion to remand the above-captioned matter to the Commissioner for additional administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g). ECF No. 20. Attorney D. James Tree represents Plaintiff; Special Assistant United States Attorney Terrye Erin Shea represents Defendant. The parties have consented to proceed before a magistrate judge. ECF No. 7. After considering the file and proposed order, **IT IS ORDERED:**

1. The parties' Stipulated Motion For Remand, **ECF No. 20**, is **GRANTED**. The above-captioned case is **REVERSED** and **REMANDED** to the Commissioner of Social Security for further administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g).

If the Appeals Council does not issue a fully favorable decision, the administrative law judge (ALJ) shall hold a de novo hearing on remand, update the record as necessary, and issue a new decision. On remand, the ALJ shall: (1)

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reevaluate the severity of Plaintiff's physical impairments; (2) reevaluate whether Plaintiff meets the requirements of Listing 12.05; (3) obtain medical expert testimony regarding Plaintiff's mental functioning and reevaluate the medical and non-medical source opinions of record; (4) reassess Plaintiff's residual functional capacity (RFC) and provide rationale for the assessed limitations; and (5) if necessary, obtain supplemental evidence from a vocational expert to clarify the effect of the assessed limitations on Plaintiff's occupational base, ensuring that such testimony is consistent with the Dictionary of Occupational Titles (Social Security Ruling 00-4p). The ALJ may take any other actions necessary to develop the record, and Plaintiff may submit additional evidence and present additional argument.

2. **Judgment shall be entered for PLAINTIFF.**

3. Plaintiff's Motion for Summary Judgment, **ECF No. 16**, is  
**STRICKEN AS MOOT.**

4. An application for attorney fees may be filed by separate motion.

The District Court Executive is directed to enter this Order, forward copies to counsel, and **CLOSE THE FILE.**

DATED September 22, 2017.



A handwritten signature in black ink, appearing to read "M" or "Rodgers", written over a horizontal line.

JOHN T. RODGERS  
UNITED STATES MAGISTRATE JUDGE